



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,839	12/11/2000	Harold Aaron Ludtke	80398.P416	4722

7590

10/03/2002

Jeffrey S. Smith
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

SOLAIMAN, SHIREEN I

ART UNIT PAPER NUMBER

2175

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,839

Applicant(s)

LUDTKE ET AL.

Examiner

Shireen I Solaiman

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
PATENT CENTER 2100

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-6, 8-17 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ulvinen et al. (U.S. Patent # 6,393,305).

As to claims 1, 9 and 13, Ulvinen et al. discloses a method and an apparatus for communication (see column 1, lines 41-48, mobile telephone) comprising:
means for identifying an authorized user with a biometric device (see column 1, lines 57-67); and
means for enabling the authorized user to access private information over a voice network device (see column 4, lines 56-67 and see column 5, lines 1-28, private information reads on bank account, voice network device reads on mobile phone).

As to claim 2, Ulvinen et al. discloses further comprising establishing a connection between the voice network and a consumer access device (see column 3, lines 1-22, cellular telephone connects to PSTN).

As to claim 4, Ulvinen et al. discloses further comprising enabling the authorized user to conduct a transaction using the consumer access device (see column 4, lines 56-67 and see column 5, lines 1-28, access bank account).

As to claim 5, Ulvinen et al. discloses further comprising:
accessing the information through a privacy clearing house (see column 5, lines 1-28, Fig. 3);
and transferring the information (see column 5, lines 1-28, signals the bank if the user is authorized or not);

As to claim 6, Ulvinen et al. discloses wherein the information further comprises:
a password associated with the authorized user (see column 4, lines 22-49, image of a tree and the reply of birch along with SRF implies a password associated with the authorized user).

As to claim 8, Ulvinen et al. discloses an apparatus comprising:
a biometric device to identify an authorized user (see column 1, lines 57-67); and
a consumer access device connected to the biometric device (see column 3, lines 53-63, mobile phone with SRF) to enable the authorized user to access restricted information over a voice

network (see column 4, lines 56-67 and see column 5, lines 1-28, restricted information reads on bank account, voice network device reads on mobile phone).

As to claim 11, Ulvinen et al. discloses a machine-readable program (see column 3, lines 46-53, operating program in the mobile unit); storage medium tangibly embodying a sequence of instructions executable by a machine to perform a method for communicating, the method comprising:

identifying an authorized user with a biometric device(see column 1, lines 57-67); and enabling the authorized user to communicate information over a voice network device (see column 4, lines 56-67 and see column 5, lines 1-28, access bank account over mobile phone).

As to claim 12, Ulvinen et al. discloses a system comprising: a memory for storing computer program instructions and data (see column 3, lines 46-53); and a processor (see column 3, lines 46-53, operating program implies a processor) coupled to the memory for processing the computer program instructions and data to:
identify an authorized user with a biometric device(see column 1, lines 57-67); and enable the authorized user to communicate information over a voice network device (see column 4, lines 56-67 and see column 5, lines 1-28, access bank account over mobile phone).

As to claims 3, 10 and 14, Ulvinen et al. discloses wherein the consumer device is selected from the group consisting of digital wallet (DW) devices, personal computers (PCs), personal digital assistants (PDAs), electronic based organizers, watches, telephones, auto dialers,

wireless telephones, set top boxes (STBs), video game counsels, remote control units, personal radio communication. units, telematic communication devices, information panels, and kiosks. (personal communicator (column 3, lines 1-2) reads on digital wallet (DW) devices, personal digital assistants (PDAs), electronic based organizers, watches; data communication network (column 2, lines 40-41) reads on personal computers (PCs), set top boxes (STBs), video game counsels, information panels, kiosks; wireless telecommunication network (column 3, lines 41-42) reads on remote control units, personal radio communication. units, telematic communication devices; mobile telephone (column 1, line 42) reads on telephones, auto dialers, wireless telephones).

As to claim 15, Ulvinen et al. discloses a system comprising:
a consumer access device with a communications unit (see column 1, lines 41-48, mobile telephone) and
a biometric device for allowing an authorized user access to the device (see column 3, lines 53-67 and see column 4, lines 1-3, SRF usage to make a telephone call).

As to claim 16, Ulvinen et al. discloses further comprising communication of
prespecified information upon biometric identification of the authorized user (see column 5, lines 13-28, user can only access his account information with this particular bank).

As to claim 17, Ulvinen et al. discloses further comprising an encrypted communications
unit (see column 4, lines 50-53).

As to claim 19, Ulvinen et al. discloses further comprising establishing a secure communication link with the consumer access device before allowing transfer of information

As to claim 20, Ulvinen et al. discloses further comprising a wireless communications unit (see column 3, lines 1-22).

As to claim 21, Ulvinen et al. discloses an apparatus comprising:
means for biometric identification of an authorized user (see column 3, lines 52-67, Fig. 1 SRF 29);
means for displaying information to the authorized user (see column 3, lines 34-52, Fig. 1 display 20);
means for accepting authorized user input (see column 3, lines 34-52, Fig. 1 keypad 22); and
means for communicating with a remote device (see column 3, lines 11-22, Fig. 1 transmitter 14);.

As to claim 22, Ulvinen et al. discloses further comprising: means for communicating via tones (see column 3, lines 1-22, mobile telephone implies communicating via tones).

As to claim 23, Ulvinen et al. discloses wherein the tones are communicated over a telephony-based system (see column 3, lines 1-22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulvinen et al. (U.S. Patent # 6,393,305) in view of Bisbee et al. (U.S. Patent # 6,237,096).

As to claim 7, Ulvinen et al. does not teach wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI).

Bisbee et al. teaches wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI) (see column 2, lines 13-21).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ulvinen et al. wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ulvinen et al. by the teachings of Bisbee et al. wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI) because it helps ensure that the party originating a document is electronically identifiable.

As to claim 18, Ulvinen et al. does not teach further comprising automatic receipt and updating of information stored in the consumer access device.

Bisbee et al. teaches further comprising automatic receipt and updating of information stored in the consumer access device (see column 12, lines 1-67, a chronicle evidencing the transfer is created, the withdrawal of an offer anytime prior to its acceptance and the transfer of the record can also be seen).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ulvinen et al. to include automatic receipt and updating of information stored in the consumer access device.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ulvinen et al. by the teachings of Bisbee et al. to include automatic receipt and updating of information stored in the consumer access device because it help establishment of a verifiable evidence trail, or chain of custody, by date and time stamping.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dildy (U.S. Patent # 6,263,311) discloses a method and a system for providing security to a space by detecting an unauthorized presence in the space using voice recognition. A plurality of acceptable voice patterns is generated from sounds of authorized users and stored in the security system. The current voice pattern is compared with entries in the stored voice lists to


determine a level of difference or a level of similarity between the current voice pattern and the content of the voice list. If the determined level constitutes a discrepancy according to predetermined criteria, an alarm response is initiated. The advantages of the voice recognition as a security measure may be also integrated into existing security systems.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shireen I Solaiman whose telephone number is 703-305-5893. The examiner can normally be reached on 8-6:30 M-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

SIS
September 26, 2002


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100